



INTCHK C1

41 3621

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:

Kevin M. Messina

Serial No.: 10/077,641

Art Unit : 3621

Filed: February 15, 2002

Examiner: John W. Hayes

Title: AUTHENTICATION SYSTEM  
FOR IDENTIFICATION DOCUMENTS

RECEIVE

AUG 10 2004

GROUP 3600

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. §1.97-1.99, applicants and their attorneys are citing the following listed documents for the Examiner's attention in connection with the above-identified application. These documents were identified to complete the record and were cited either in (1) connection with prosecution of U.S. Patent No. 6,523,741, which was recently assigned to the assignee of the above-identified application, or (2) by Tricom Card Technologies in the pending patent infringement litigation, *Intelli-Check, Inc. v. Tricom Card Technologies, Inc.*, United States District Court, Eastern District of New York, Civil Action No. 03-3706, involving U.S. Patent No. 6,463,416, that issued from a related patent application to the above-identified application.

U.S. PatentsU.S. Patent No.InventorsIssue Date

3,636,318	Lindstrom et al.	January 18, 1972
3,702,392	St. Jean	Nov. 2, 1972
3,988,570	Murphy et al.	Oct. 26, 1976
RE30,579	Goldman et al.	April 14, 1981
4,369,361	Swartz et al.	January 18, 1983
4,506,148	Berthold et al.	Mar. 19, 1985
4,634,846	Harvey et al.	Jan. 6, 1987
4,689,477	Goldman	Aug. 25, 1987
5,012,077	Takano	April 30, 1991
5,016,192	Ishido et al.	May 14, 1991
5,030,117	Delorme	July 9, 1991
5,054,077	Suzuki	Oct. 1, 1991
5,172,785	Takahashi	Dec. 22, 1992

180.00 UP

08/06/2004 FNETEK11 00000013 10077641

01 FC:1806

#776186 v2  
042376-30969

5,214,699	Monroe	May 25, 1993
5,284,364	Jain	Feb. 8, 1994
5,287,181	Holman	Feb. 15, 1994
5,337,361	Wang et al.	Aug. 9, 1994
5,367,148	Storch et al.	Nov. 22, 1994
5,367,581	Abel	Nov. 22, 1994
5,429,361	Raven et al.	July 4, 1995
5,471,533	Wang et al.	Nov. 28, 1995
5,559,885	Drexler et al.	Sept. 24, 1996
5,594,226	Steger	Jan. 14, 1997
5,635,981	Ribacoff	Jun. 3, 1997
5,642,485	Deaton	Jun. 24, 1997
5,706,507	Schloss	Jan. 6, 1998
5,717,776	Watanabe	Feb. 10, 1998
5,722,526	Sharrard	Mar. 3, 1998
5,754,939	Herz et al.	May 3, 1998
5,781,650	Lobo et al.	July 14, 1998
5,805,849	Jordan et al.	Sept. 8, 1998
5,991,429	Coffin et al.	Nov. 23, 1999
6,119,932	Maloney et al.	Sept. 19, 2000
6,148,091	DiMaria	Nov. 14, 2000
6,169,542	Hooks et al.	Jan. 2, 2001
6,196,460	Shin	Mar. 6, 2001
6,363,387	Ponnekanti et al.	Mar. 26, 2002
6,523,741	DiMaria	Feb. 25, 2003

Foreign Patents

<u>Patent No.</u>	<u>Inventor</u>	<u>Publication Date</u>	<u>Country</u>
0991027	Morrison et al.	April 5, 2000	EP
2332973	DiMaria	July 7, 1999	GB
2359172	DiMaria et al.	Aug. 15, 2001	GB
090245231	Toshio	Sept. 19, 1997	JP
11316818	Hsu et al.	Nov. 16 , 1999	JP
3100972	Mitsuo	April 25, 1991	JP
7093648	Hiroyasu	April 7, 1995	JP
63138462	Shojiro	Jun. 10, 1988	JP
64055695	Chiba Takashi	Mar. 2, 1989	JP
9412372	Goldberg	Jun. 9, 1994	WO

**Non-Patent Publications**

<b>Publisher</b>	<b>Published</b>	<b>Title</b>	<b>Author</b>
Intelli-Check, Inc.	1997	Do You Really Know ... Who Is Old Engough?	
Intelli-Check, Inc.	1998	ID-Check™ Online, <a href="http://www.intellicheck.com">http://www.intellicheck.com</a> , excerpts taken from <a href="http://intellicheck.com/news.htm">http://intellicheck.com/news.htm</a> and <a href="http://intellicheck.com/page14.htm">http://intellicheck.com/page14.htm</a> .	

**Other References**

1. Declaration of Russ Embry in Support of the Information Disclosure Statement Containing Deposit Materials For Copyright Registration No. TX-024-479, dated September 7, 2001.
2. Declaration of Russ Embry in Support of the Information Disclosure Statement Containing Deposit Materials For Copyright Registration No. TX-024-478, dated September 7, 2001.
3. Complaint filed in *Intelli-Check, Inc. v. Tricom Card Technologies, Inc.*.
4. Defendant Tricom Card Technologies' Responses and Objections to Plaintiff Intelli-Check's First Set of Interrogatories filed in *Intelli-Check, Inc. v. Tricom Card Technologies, Inc.*.
5. Defendant Tricom Card Technologies' Supplemental Responses and Objections to Plaintiff Intelli-Check's First Set of Interrogatories filed in *Intelli-Check, Inc. v. Tricom Card Technologies, Inc.*.

Copies of the aforementioned foreign patent documents and non-patent references are submitted herewith along with a completed form PTO-1449. This Information Disclosure Statement is being submitted pursuant to 37 C.F.R. § 1.97-§ 1.99 with the fee set forth in 37 C.F.R. § 1.17(p) enclosed herewith. If any extra fees are due in connection with the submittal of this paper, the Examiner is hereby authorized to charge **Deposit Account No. 03-3839**.

Applicant notes that copies of the following three documents cited in the above cited Defendant Tricom Card Technologies' Supplemental Responses and Objections to Plaintiff Intelli-Check's First Set of Interrogatories have not been provided in this Information Disclosure Statement because copies were not provided to the Applicant by Tricom Card Technologies, Inc. or were not readily available to the Applicant. Applicant is endeavoring to obtain copies from Tricom Card Technologies, Inc. and once obtained will forward copies to the Examiner in due course.

1. Cadent Technology brochure of Datalyst Data Communication Analyzer, 1990.
2. "Recommendation For Use of Magnetic Stripe on Driver's License and Identification Cards," AAMVA, September 9, 1992
3. Japanese Patent Publication No. 3014973.

**Correspondence**

Please address all correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5496. Telephone calls should be made to Robert E. Rudnick at (973) 596-4727 and fax communications should be sent directly to him at (973) 639-8318.

Respectfully submitted,

Date 8/2/04



Robert E. Rudnick, Esq.  
Reg. No. 36,260  
Attorney for Applicants

**Gibbons, Del Deo, Dolan, Griffinger  
& Vecchione  
One Riverfront Plaza  
Newark, New Jersey 07102-5496**



Please type a plus sign (+) inside this box →

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

1

of 3

### Complete if Known

Application Number	10/077,641
Filing Date	2/15/2002
First Named Inventor	Kevin M. Messina
Group Art Unit	3621
Examiner Name	John W. Hayes
Attorney Docket Number	INTCHK C1

U.S. PATENT DOCUMENTS						
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	3,636,318	Lindstrom et al.	1/18/1972			
	3,702,392	St. Jean	11/2/1972			
	3,988,570	Murphy et al.	10/26/1976			
	RE30,579	Goldman et al.	4/14/1981			
	4,369,361	Swartz et al.	1/18/1983			
	4,506,148	Berthold et al.	3/19/1985			
	4,634,846	Harvey et al.	1/6/1987			
	4,689,477	Goldman	8/25/1987			
	5,012,077	Takano	4/30/1991			
	5,016,192	Ishido et al.	5/14/1991			
	5,030,117	Delorme	7/9/1991			
	5,054,077	Suzuki	10/1/1991			
	5,172,785	Takahashi	12/22/1992			
	5,214,699	Monroe	5/25/1993			
	5,284,364	Jain	2/8/1994			
	5,287,181	Holman	2/15/1994			
	5,337,361	Wang et al.	8/9/1994			
	5,367,148	Storch et al.	11/22/1994			
	5,367,581	Abel	11/22/1994			
	5,429,361	Raven et al.	7/4/1995			

RECEIVED

AUG 10 2004

GROUP 3600

### FOREIGN PATENT DOCUMENTS

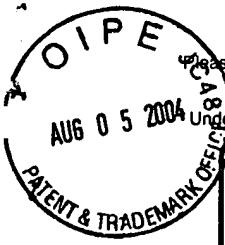
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T6
		Office <sup>3</sup>	Number <sup>4</sup>				
	EP	0991027		Morrison et al.	4/5/2000		
	GB	2332973		DiMaria	7/7/1999		
	GB	2359172		DiMaria et al.	8/15/2001		
	JP	090245231		Toshio	9/19/1997		
	JP	11316818		Hsu et al.	11/16/1999		
	JP	3100972		Mitsuo	4/25/1991		
	JP	7093648		Hiroyasu	4/7/1995		
	JP	63138462		Shojiro	6/10/1988		
	JP	64055695		Chiba Takashi	3/2/1989		
	WO	9412372		Goldberg	6/9/1994		

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Please type a plus sign (+) inside this box →

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, OMB control number

**Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.**

**Substitute for form 1449A/PTO**

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Shee

of 3

***Complete if Known***

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Application Number	10/077,641
		Filing Date	2/15/2002
		First Named Inventor	Kevin M. Messina
		Group Art Unit	3621
		Examiner Name	John W. Hayes
Sheet	2	of	3
		Attorney Docket Number	INTCHK C1

## **U.S. PATENT DOCUMENTS**

~~RECEIVED~~

~~AUG 7 0 2004~~

# GROUP 361

## **FOREIGN PATENT DOCUMENTS**

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Please type a plus sign (+) inside this box →

Approved for use through 10/31/2002. OMB 0651-0031  
U. S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

**Complete if Known**

Application Number	10/077,641
Filing Date	2/15/2002
First Named Inventor	Kevin M. Messina
Group Art Unit	3621
Examiner Name	John W. Hayes
Attorney Docket Number	INTCHK C1

Sheet 3 of 3

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		1. Intelli-Check, Inc., "Do You Really Know ... Who Is Old Enough?" 1997.. (2 Pages)
		2. Intelli-Check, Inc., ID-Check™ Online, http://www.intellicheck.com, excerpts taken from http://intellicheck.com/news.htm and http://intellicheck.com/page14.htm. (6 Pages)
		3. Declaration of Russ Embry in Support of the Information Disclosure Statement Containing Deposit
		Materials For Copyright Registration No. TX-024-479, dated September 7, 2001.
		4. Declaration of Russ Embry in Support of the Information Disclosure Statement Containing Deposit
		Materials For Copyright Registration No. TX-024-478, dated September 7, 2001.
		5. Complaint Filed in Intelli-Check, Inc. v. Tricom Card Technologies, Inc.
		6. Defendant Tricom Card Technologies' Responses and Objections to Plaintiff
		Intelli-Check's First Set of Interrogatories filed in Intelli-Check, Inc. v. Tricom Card Technologies, Inc..
		7.Defendant Tricom Card Technologies' Supplemental Responses and Objections to Plaintiff Intelli-Check's First Set of Interrogatories filed in Intelli-Check, Inc. v. Tricom Card Technologies, Inc..

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031  
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/077,641
		Filing Date	February 15, 2002
		First Named Inventor	Kevin M. Messina
		Art Unit	3621
		Examiner Name	John W. Hayes
Total Number of Pages in This Submission		Attorney Docket Number	INTCHK C1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> <input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. 17 References. 2. Return Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

**RECEIVED**

AUG 7 0 2004

**GROUP 3600**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Robert E. Rudnick, Reg. No. 36,260 Gibbons, Del Deo, Dolan, Griffinger & Vecchione
Signature	
Date	8/3/04

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Xiangjing Zhan	
Signature		Date 8/3/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.